

# A BRIEF FOR THE SPANISH INQUISITION

BY

ELIZA ATKINS STONE

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REPRINTED FROM THE AVE MARIA

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NOTRE DAME, INDIANA  
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### PUBLISHER'S NOTE.

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This able essay derives unusual import and interest from the fact that it is from the pen of a non-Catholic, and was originally prepared to be read before a non Catholic audience.

## A BRIEF FOR THE SPANISH INQUISITION.

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### I.

THE Spanish Inquisition! It would be interesting to take a poll of this company to learn, if might be, just what images that phrase conjures up before each inward vision. One would, I fancy, be safe in assuming that, barring the conceptions of special students, the said images are of horror wellnigh unmitigated. Has not the word "inquisition" passed into our language carrying a meaning—a meaning quite apart from its derivative or historic one—of terror and torture superlative? Do we not shudder at sight or sound of "Torquemada," "*auto-da-fé*," "*san-benito*," "*quemadero*," and similar terms?—though indeed some of us might be put to it precisely to define them all off-hand. Moreover, such notions, definitely dreadful but otherwise nebulous, are those of Protestant Christendom in general concerning the matter in hand.

Well, the subject is one of those regarding which Protestant Christendom is largely in

error. There is, perhaps, no historical question more deeply overlaid with prejudice, fallacy, one may even say superstition; none as to which popular conceptions are farther removed from the facts as scholars know them.

But why, one immediately inquires, — why this widespread and long-standing delusion? The reasons are chiefly three, to wit:

First: At the time when Protestantism was fighting for its life, it found no more effective rallying cry for its forces than — *The Spanish Inquisition!* Of this, accordingly, it made the most, lavishing upon the Catholic tribunal all that wealth of lurid invective for which the early reformers are so justly famous. No exaggeration was too wild, no calumny too black, for the purpose of these enthusiasts; and they succeeded in coloring not only the thought of their own time, but the thought of Protestant countries from that day to this, concerning the object of their attacks.

For, to come to our second reason, the authorities of the Holy Office in Spain, far from striving to neutralize the efforts of the opposition, rather played into its hands. In some parts of Europe, Protestantism might make head by maligning Catholic institutions; in the Peninsula, where Cathol-

icism was still so strongly intrenched, a terrorizing policy was the most effective one for repelling Protestantism. Extravagant notions as to the horrors of the Inquisition might inflame the northern masses to revolt; in the south such notions would tend to keep the masses quiet; wherefore Spanish statesmen and ecclesiastics, engrossed by their own immediate problem, and earnestly believing it their duty to preserve the Peninsula, at almost any cost, from invasion by the doctrine producing such turmoil elsewhere, were quite content that the Inquisition should be a bogey "to fearen babes withal"; that the common people should cherish ideas, exaggerated as might be, of the terrors awaiting apostates.

A third reason for misconceptions as to the Holy Office is this. Nearly all modern Protestant chronicles of the Inquisition are poisoned at the source, being chiefly drawn from a work now regarded by scholars, Protestant and Catholic alike, as utterly untrustworthy. The author of this work—one Llorente, a Spaniard—was a functionary of the Inquisition. Being discharged for misconduct, he proceeded to write a "history" of the tribunal, calumniating it in every possible way; first having destroyed records which might have disproved his

assertions and to which he alone had access. In the absence of these records, it was for a long time impossible absolutely to confute him; but within the last half century facts have come to light which directly give the lie to a great number of his statements, and so discredit all the rest; his character, too, is shown to have been such that it alone should bar him from the witness-stand; and, moreover, the investigations of historians are tending more and more strongly every decade to put his testimony out of court on collateral grounds.\* Let a black mark go into all our mental note-books against the name of Llorente.

Now, it is difficult indeed for us of the Anglo-Saxon and Protestant tradition, us whose heritage is Magna Charta and the Diet of Worms, to put ourselves into anything like a proper attitude for considering the subject in hand. As observed by a writer in the *Dublin Review*, "To understand what the Inquisition meant to the populations among whom it was established would require a knowledge of their general state at the time it began, and of their whole social,

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\* One need be no inspired prophet to assert with confidence that twentieth-century views of the Inquisition will differ vastly from those of the last two or three hundred years.

economical, political and religious condition during the period when it flourished." Moreover, these appalling topics hark back to those of the philosophy and history of religious toleration in general; of the relation between Church and State interests; of the right of religious coercion by government; of the theory and practice of mediæval jurisprudence and political economy, and one knows not what beside; which dizzying array is, of course, very remotely beyond our present scope.

To be sure, even a little examination of some of these mighty matters would puncture for us many a rhetoric-inflated fallacy, would constrain us at least to reserve our judgment touching divers questions upon which we are prone to pronounce with blithe and quite mistaken assurance. Take just one—Religious Toleration. Merely to utter the word "intolerance" is to raise revolt in the modern soul. But are we so sure that our vaunted toleration is anything more than indifference,—indifference as to what other people believe? I do not say we need be ashamed of such indifference; but why should we plume ourselves upon it? Not many years ago there was preached to a certain large congregation near one of our principal cities a sermon beginning as

follows: "*He that believeth not shall be damned.*" What! *damned*? Yes, *damned*. What! just for not believing? Yes, just for not believing. Now, manifestly, if that be your creed, "toleration," in the ordinary sense, is inconceivable; if you do firmly and fervently hold that all who do not think with you regarding religion are going to spend eternity in torments, you will naturally do your utmost to change their views and to keep them from influencing other people. And the rest is merely a question of method; if you believe that the burning alive of a few "heretics" will save multitudes from a fate infinitely more dreadful, what can you do but heap up the fagots? Let us bear in mind that most of the best and wisest men of the ages we are to consider did in literalness believe that he whose religious creed differed from their own should be in truth and forever damned.

We can not give even another glance to the tremendous topics enumerated a moment ago. It is, however, highly important that we realize them as constantly in the background; and—this above all—we must, so far as we are able, judge the matter before us by the standards of its own time, not by those of ours. The keeping in mind of this one principle will preserve us from many

a pitfall into which even great clerks have stumbled. As Balmes, the Spanish savant, finely says: "There are few who can free their minds from the atmosphere which surrounds them; there are fewer still who can do the same with their hearts." Most of us cannot to any great extent free our *minds* from the atmosphere that surrounds us, because, to put it plumply, we do not know enough. But the rarer, better thing is to some degree within our power we may bring our *hearts* into at least partial sympathy with the age we are to look at. To repeat, then: So far as in us lies, *our subject is to be judged by the standards of its own time, not by those of ours*. This is our compass, this our *vade mecum*.\*

## II.

It is with the Spanish Inquisition that we chiefly have to do; and that, though sharply marked off from the earlier inquisition, was a direct development therefrom. It behooves us, therefore, to take at least a flying survey of the primitive tribunal.

This, like all important, long-enduring institutions, was **no** arbitrary erection, but **the** natural and spontaneous outgrowth

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\* Even with such a guide, a paper within the present limits can, of course, be no more than suggestive.

of conditions deep-seated and far-spread. Ecclesiastical courts, judging questions of faith and visiting heretics with ecclesiastical penalties, had indeed been matters of course from Apostolic times; but from the reign of Constantine the civil power, too, had been held responsible for the religious belief of the people. And the Constantine code regarding heresy had been taken over, with trifling modification, by the governments of renewed Europe; the apparatus for its enforcement being varied according to circumstances. As in course of time the interests of Church and State became more and more nearly identified, the conception of heresy as a crime against society as well as against religion came to be practically universal in Christendom. In the general view, the right of government to inflict even capital punishment in cases of flagrant heresy was unquestioned.

There was, however, no great occasion for vigorous application of these tenets until about the middle of the twelfth century, at which time certain highly alarming elements appeared in the body-politic. A lot of heretical sects—not variants of Christianity, but rather the last revivals of expiring paganism—sprang up and spread like the plague, infecting gentle and simple, laity

and clergy. Their "heresies" were quite outside the category of merely speculative errors; for they included not only doctrinal but social and political ideas. The turbulent and weirdly iniquitous practices of the sectaries were really civil outbreaks under religious pretexts, directly menacing to public order and morality, and so amenable to law even on grounds purely political. From the lowest point of view, it was imperative to stamp out these organizations; it was imperative, moreover, vigilantly to watch over the course of the public mind, lest baleful opinion utterly corrupt the commonwealth.

In this critical situation, Church and State, drawn yet more closely together by a common peril, made common cause. The measures they took—it is impossible to read any contemporary chronicler without seeing this—were as much in accord with the spirit of the time as are the measures against anarchism to-day. At that period, one must bear in mind, there were no standing armies, no system of protective police; the appliances for keeping public order were totally inadequate to any great emergency. It is wellnigh certain that but for the ecclesiastical courts which, as we shall see, were presently established, Europe would have

been drenched in the blood of religious war before the beginning of the fourteenth century, and the march of civilization would have been impeded beyond calculating. What the concerted authorities, civil and ecclesiastical, did was merely to invoke the ancient laws against heresy, at the same time devising certain new and very ingenious machinery for carrying them out. From this action, tentative and relatively feeble in its beginnings, there at length emerged a unique tribunal: the Inquisition properly so-called.

It was in France that it first took permanent form. At the Council of Toulouse, in 1229, standing commissions were ordained for the several parishes of *le beau royaume*, each commission to consist of the parish priest and two or three laymen of good repute. These worthies were under solemn obligation zealously to hunt out and faithfully to report to bishop or magistrate any cases of heresy in their respective districts.

The new code went on to lay down elaborate regulations for the disciplining of heretics and their abettors,—regulations very stringent of course, yet manifestly designed to reclaim, if might be, rather than to chastise; no severe means were to be used until prayer, pleading and instruction had

done their utmost. In extreme cases the ecclesiastical authorities, having pronounced the offender guilty, were to turn him over to the secular power for punishment, according to long-existent laws. Here, *nota bene*, we touch what was a fundamental and constant characteristic of the Inquisition in its developed as well as in its primitive form, this, namely *The Church never imposed penalties* (except, indeed, relatively mild and mostly spiritual ones); its work was done when, failing patient prayer and persuasion, it rendered its verdict of "guilty."

Other kingdoms being in a plight similar to that of France, the statutes framed at Toulouse had immediate and widespread influence; and Inquisition courts were soon in full commission nearly all over Europe. And how did they answer? Capitally; so well indeed that in course of a few decades the ends for which they had been brought into being were virtually accomplished;\* and, setting aside the form of tribunal and the nominal employment of a detective system, there was little to distinguish the

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\* This result was not, of course, due to the Inquisition alone, but the latter was, past question, the principal direct agency in the matter.

workings of the new laws from that of the hoary enactments of Constantine.

Now, if the chronicles of the Inquisition ended at this point we should hear little or nothing about the iniquities of the tribunal. No very heinous charges are brought against it even by the most rabidly partisan of Protestant historians. As for the contemporary view of the matter—do you know that fresco in the “Spanish Chapel” of Santa Maria Novella at Florence, with its black and white hounds chasing off a pack of wolves from a sheepfold? Your Baedeker will tell you that the painting typifies the Dominicans—*Domini canes* (hounds of the Lord)—in their habits, white or black, defending the Holy Fold from its ravening adversaries; and the work, attributed to the first half of the fourteenth century, fairly represents the enlightened public opinion of its age touching the forerunner of the Spanish Inquisition.

### III.

Now, then, coming at last to our chief concern, we turn our mental telescopes upon Spain in the final quarter of the fifteenth century. Behold Ferdinand and Isabella newly seated upon the throne and beset by perplexities many and grievous. The

Jews, vastly numerous, vastly rich, "a nation within a nation," are daily waxing in power. They are using that power with the secret but organized policy of erecting Judaism on the ruins of Spanish Catholicism and nationality. They have plotted to call the Saracens from Africa to their aid, seize Gibraltar, and declare their independence. The plot has been brought to light and frustrated for the moment; but like designs are no doubt simmering. The eight-hundred-years' war with the Moors is not yet over; Granada remains unsubdued. At the first gleam of a Saracen scimitar on the coast, these ancient lords of the realm would strike hands with the revolutionists. The nation is in a state bordering on panic. The fate of the Peninsula trembles in the balance. How is the crisis to be met? Certain antiquated machinery of Church and State stands, as it has long stood, practically idle in the realm. How if this were to be furbished up and set in motion once more? The Gentile subjects of Ferdinand and Isabella, lay and cleric, clamor for its employment. Ferdinand and Isabella and the royal councillors can devise no more promising plan; and the Spanish Inquisition is accordingly established.

A bull obtained from Pope Sixtus IV.

(1478) authorized the Crown to appoint two or three church dignitaries, who might be either seculars or regulars provided they were at least forty years old, of pure morals, and Bachelors either of Philosophy or of Canon Law; these, with sub-appointees, to constitute a tribunal for the seeking out and judging of heretics. The new Inquisitors, mark, were not, like the officials of the early Inquisition, representatives of papal authority, appointed mediately or immediately by the Holy Father. Ecclesiastics they were, to be sure; but ecclesiastics chosen by the Crown, responsible to the Crown, removable at pleasure of the Crown. Tribunals of the new order were speedily set up all over the kingdom; but hardly had they gone into operation before loud complaints were heard from the Vatican. His Holiness protested that the bull had been procured upon a very imperfect setting forth of the royal intent; that he had been betrayed into concessions "at variance with the spirit of the Fathers." He had contemplated merely a revival of the mediæval Inquisition; here was a tribunal embracing essential departures from its predecessor, and of these departures Sixtus thoroughly disapproved.

From this time forward the History of

the Holy Office in Spain is one of ceaseless disputes between the civil and the ecclesiastical powers. The Popes were continually remonstrating, pleading, exhorting, threatening; to all which the sovereigns commonly gave small heed. Many eminent chroniclers indeed, Catholic and Protestant both, will have it that the tribunal is henceforth a political one pure and simple; but with this view other exalted authorities, both Protestant and Catholic, vehemently take issue. A fair putting of the case is perhaps this: The machinery of the Spanish Inquisition was mainly ecclesiastical; the Vatican had more or less voice in its management; but on the lever was always not the papal but the royal hand. This much at least is beyond question: the tribunal was peculiar to Spain; it began its career under the definite censure of the Holy See; and the latter, from whatever motives, invariably and strongly inclined to clemency.

The fixing of responsibility is, however, only incidental to our chief end. What we are principally bent on is to look at the Spanish Inquisition as it was. Its history falls into three periods: the first extending from the establishment, in 1480 or thereabouts, to near the middle of the reign of Charles the Fifth—say 1540; the second,

from the latter date to somewhere in the third quarter of the eighteenth century; the third, from that time to the abolishment of the tribunal, only seventy years ago. The reason for this marking out of periods will presently appear.

Following the purpose of its founders, the new institution was at first brought to bear mainly against the Jews. Against the Jews, I say; yet so to put it, as it so often is put, *sans* qualification, is unfair enough; for, be it carefully noted, *the Inquisition never laid a finger on the Jew as such*. Its only concern was with the propagator of Judaism, or with the Jew who had professed conversion to Christianity, become by baptism subject to the discipline of both Church and State in religious matters—which unbaptized Jews were not,—and had then gone back to the faith of his fathers. The civil hand indeed was heavy upon the Jew *qua* Jew, and the Gentile public bitterly hostile. Hence the multitude of nominal conversions to Christianity, from which the “converted” sooner or later lapsed. The whole complicated situation can only be hinted at here. It must serve to say that the chosen people—partly by their own misdoing, partly from a complexity of other circumstances—were extremely dangerous elements in the body.

politic. In the year 1492, accordingly, they were expelled *en masse*, saving only such as turned Christian. So cruel, however, were the hardships of these "exiles from a land of exile" in the countries whither they fled, that many of them returned, submitting to baptism. Such "converts" were, of course, mostly insincere; and their continual unfaithfulness to their new professions made a deal of business for the Inquisition.

Piteous indeed was the case of these children of Abraham; our hearts are wrung to think of it. Yet one does not find that any of those who so fiercely inveigh against the treatment the unfortunates met, have suggested any means by which they might have been more leniently handled without involving greater evils to a greater number. Says the Count de Maistre, the brilliant French apologist of the Inquisition: "Never can great political evils—never, above all, violent attacks upon the body-politic—be prevented or suppressed but by means equally violent. If you think of the severities of Torquemada, without dreaming of those they prevented, you cease to be reasonable." I should like to put that bit into every other paragraph of this article. It is interesting, by the bye, to note that had Luther been in the place of Torquemada,

the chosen people would apparently have fared little better. Hear him counselling with regard to the Jews in Germany: "Their synagogues ought to be destroyed, their houses pulled down; their prayer-books, the Talmud, and even the books of the Old Testament, to be taken from them; their rabbis ought to be forbidden to teach and compelled to gain their livelihood by hard labor."

A close second to the Jewish problem for keeping Spanish statesmen and ecclesiastics awake o' nights was the problem concerning the Moors. The conditions of this latter were, speaking very broadly, similar to those in the graver affair. The Holy Office never dealt so rigorously with Moorish converts who relapsed to Islam as with Jewish apostates from Christianity, but it took the same general course in both cases; and it was against these two menacing classes that for some sixty or seventy years the batteries of the tribunal were chiefly trained.

This brings us to the end of the first period of the Spanish Inquisition. Now, midway in the sixteenth century, it opens fire upon a new foe. Forty years earlier, Dr. Martin Luther had nailed his five-and-ninety theses to the Wittenberg church door, and now wellnigh all Europe is convulsed over

his doctrine. Wherever the reformers, fighting for the liberty of individual conscience, have gotten the upper-hand, they are harrasing and oppressing those whose individual conscience constrains them to remain Catholic. Calvin has put forth his famous treatise maintaining "That Heretics should be Repressed by the Sword"; his "heretics" being, of course, dissenters from Protestantism. In England, Tyburn Tree is thronged with martyrs whose only offence is fidelity to ancestral faith. Says Hume: "The whole tyranny of the Inquisition, though without its order, was introduced into the kingdom." To Protestant, you see, as to "papist" persecution is still a thing of course, so, too, is the identification of Church and State interests, and by consequence the punishment of religious heterodoxy by the secular power.

Let Protestantism get a foothold in Spain, and the immediate result there, as it has been elsewhere, would be civil war; and civil war would be more disastrous to Spain than it has proved to other countries, inasmuch as her situation is more critical. The elements of the monarchy are heterogeneous, lightly cemented, ready to part at the first shock. Factions flourished everywhere. The Moors are still in sight of

Spain; the Jews have not had time to forget; both are feeding fat their ancient grudge, alert to strike at their enemy of old. The Protestant corsairs of France and England, ruthless as their fellow-believers on land, are swooping on the rich-freighted Spanish fleets; Spain must either crush or be crushed, and the engine of defence is at hand. In the eyes of her sovereigns and of the mass of her people too, the Holy Office is the only hope. "Tell the Grand Inquisitor," writes the abdicated monarch, Charles the Fifth, from his monastic retreat amid the chestnut and orange groves of Estramadura,—"tell the Grand Inquisitor and his council, from me, to be at their posts and to lay the axe at the root of the evil." Solemnly from his convent death-chamber does he conjure Philip, his son and successor, to ferret out and bring to justice every heretic in his dominions. "Cherish the Holy Inquisition. So shall you have my blessing and the Lord will prosper all your undertakings."

The Lord—or some other power—did indeed prosper most of Philip's undertakings, notably that of strengthening the Holy Office; in his hands the tribunal takes on its most terrible form. This Philip the Second of Spain, depicted by Protestant pens as a monster of grim and bloodthirsty fanati-

cism—a monster for whose counterpart we must turn to Catholic portrayals of “great Elizabeth,”—Philip the Second, hailed by Catholic chroniclers as saviour of his country and defender of the faith *par excellence*,—was confronted by conditions difficult, extraordinary, quite remote from any to be conceived by the general mind of to-day; conditions with which, it is very certain, no methods familiar to modern jurisprudence could have coped. Most effective at all events was the policy pursued. While the blood of civil war stained wellnigh all the rest of Europe, Spain was at peace.

“There were not,” remarks Voltaire, the arch-foe of Catholicism,—“there were not in Spain during the sixteenth and seventeenth centuries any of the bloody revolutions, of the conspiracies, . . . which we see in the other kingdoms of Europe. In fine, except for the horrors of the Inquisition, there would be nothing with which to reproach Spain [at this period].” Voltaire does not tip the moral, but De Maistre thus pointedly does: “That is to say, ‘Without the horrors of the Inquisition there would be nothing with which to reproach that country, which escaped only by means of the Inquisition the horrors that dishonored all the others.’” We Protestants have been bred to believe that

those "others" were less dishonored by their revolutions than was Spain by her Holy Office. There are two sides to that question; but even supposing we are right, the fact abides that the Spanish monarchs acted according to convictions which were for the most part undoubtedly conscientious. They accomplished what other Catholic rulers all Europe over attempted—and failed to accomplish; there is all the difference. And these considerations have an important bearing.

As the danger of the introduction of Protestantism into the Peninsula dwindled, so also did the rigor and activity of the Inquisition, and from the practical ceasing of that danger, somewhere about the middle of the eighteenth century, dates the third period of the tribunal. This may be disposed of in a dozen words. The Holy Office came to be confined to repressing infamous crimes and barring out the philosophy of Voltaire. By the end of the century it had faded to a mere shadow; in 1808 it was abolished, then shortly revived; and in 1830 again and finally done away with.

#### IV.

And now, having briefly reviewed the course of the Spanish Inquisition, we must

give some attention to the procedure of the tribunal. At many features that would well repay prolonged and painstaking scrutiny we cannot even glance; but we will try to look at all (and only) such as are vitally characteristic; and a general notion of these may qualify us for making up a fair, if rough, estimate of the whole.

An Inquisition court, then, began operations by giving out a time of grace during which "everyone would be absolved and saved from heavy punishment who, conscious of apostasy, presented himself and did penance." The grace was often extended; and children of heretics, who might be supposed to have been led astray by their parents, were, if under twenty, to be kindly received even after the expiration of the time. An order for arrest could be issued only by the joint action of two local Inquisitors,—one a jurist, the other a theologian; or, if these disagreed, only by the grand council. Those thrilling tales, according to which inoffensive citizens were whisked off to subterranean dungeons, between days, leaving no trace behind, are—alas for the romantically disposed!—chiefly old-wives' fables.

Once an arrest was made, the operations of the tribunal were conducted *in camera*

by officials sworn to reveal nothing; and here we touch a capital count in the indictment of the Inquisition. Now, it is occasionally forced upon public attention even to-day that certain notorious crimes and abuses cannot be put down, for lack of witnesses legally to prove them; since possible witnesses know that the giving of evidence would expose them to maltreatment by powerful friends of the accused. This was precisely, only to a vastly greater degree, the case with the Inquisition. We have already noted the state of things which led to the establishment of the tribunal. The Jews and Moors were exceedingly powerful, and would assuredly have taken vengeance for their friends had trials been open and witnesses accordingly known. Then, too, in cases of alleged heresy, the disadvantage of secret trial was greatly diminished by the fact that past heresy was always of comparatively small account, if present orthodoxy were certain; and as to that, the prisoner could if he chose furnish conclusive evidence on the spot. Here comes into view yet another reason for secrecy: the Inquisition always made strenuous efforts at every step of proceedings to get the accused to retract; and retraction was far more likely to be brought about if the prisoner's pride

of consistency were not involved,—if his former declarations had not been made known to the public.

But to return to the course of procedure. The examination of suspects was conducted in time-honored Spanish mode by means of long-winded written interrogatories. After the interrogatory the accused was furnished with a copy of the accusation and left to prepare his defence. The document was, however, altered from that held by the court in so far as to leave out the names of the accusers as well as details which might betray those names. "What!" you say,—"withhold even from the prisoner the names of witnesses whose testimony might suffice to burn him alive?" The idea is indeed abominable according to all our notions of justice. Well, in the first place, the usage was greatly restricted by the following circumstances. An accuser must swear that he had no personal enmity to the accused, first having been threatened with direst punishment here and eternal damnation hereafter should he swear falsely; then he was rigorously examined by responsible persons bound by oath to reject his deposition if it seemed malicious, irrelevant or otherwise untrustworthy. Moreover—and this is highly important,—the accused was

asked whether he had personal enemies; and if he could show that he had, the testimony of any such, whatever it might be, was promptly set aside.

The Inquisition prisoner enjoyed opportunities for defence which offer a pleasing contrast to those in most other contemporary courts. In England and elsewhere, not only names of accusers but charges made were kept from the accused up to the moment of his appearing at the bar; wherefore the poor wretch was unable to present any carefully-considered defence. The English criminal prisoner was allowed no advocate, the Inquisition prisoner was given one. To be sure, such advocate must be chosen from those in the service of the Holy Office, or at all events he must take its oath of secrecy, but he was solemnly sworn to do his best to set forth any valid defence the accused might have. Furthermore, the latter might bring forward any number of witnesses for himself. "That," you say, "of course." But such permission was not *of course*; indeed it was accorded almost nowhere else at the time. It was not accorded in England. The current notion there as elsewhere was that the accuser either proved his case or failed to prove it; if he failed to prove it, acquittal was already

due and testimony for the defence superfluous; if he proved it, such testimony was irrelevant or perjured. That truth could emerge from the sifting of a mass of conflicting deposition did not enter the minds of English or other jurists at that period; and it is the merit of the Inquisition to have anticipated in no small measure the rational principles now taken for granted.

Lacking the prisoner's own confession, the statutes of the Holy Office made conviction for heresy difficult to a degree. If, however, proof of guilt were held to be practically complete, the tribunal did its utmost to extort confession; in such cases, and in such only, it sometimes made use of—torture. "Aha!" cry those who condemn the Inquisition off-hand. "Torture! Thumb-screws, red-hot pincers, the rack, the press, the wheel! For those, at any rate, you will hardly find anything to say." Certainly no one at this time of day is going to defend torture *per se*; but we are bound to consider that there has been a complete *bouleversement* of public opinion on this point; that while torture was employed by the Inquisition, it was likewise a routine feature of criminal proceedings the Continent over. In England, too, as Hallam has it, "the rack seldom stood idle in the Tower during the latter

part of Elizabeth's reign"; nor were it and its gruesome fellows permitted to rust in the hands of the early Stuarts,—that is to say, torture was high in English favor throughout the period during which the Holy Office most frequently resorted to it. The records of the Star Chamber and of other royal tribunals in England—which, be it remembered, were, like the Inquisition, *secret* courts—have never been thoroughly gone over; but such reports of them as we have go far to justify the apologists of the Inquisition in challenging comparison, as they do, with English as well as Continental practice in this regard.

As has been said, the Inquisition code sanctioned torture only when guilt was considered practically proven. Moreover, it could be administered only after the accused had exhausted all his means of defence; the tribunal was bound to hear every one of his witnesses, even though these must be fetched from the ends of the earth. There could be but one application of torture in each case, and this must take place in the presence of several exalted functionaries, civil and ecclesiastic, who were to stand by, not according to the popular notion, to gloat over the agonies of the sufferer, but to see that instructions for the dread ordeal

were not exceeded. After the first fifty years or so of the tribunal's existence, local courts were not permitted to use torture at all; the power was vested in the bishop of the diocese, acting jointly with the Inquisitor-General and his council.

A word here concerning the dungeons of the Inquisition. Like the prisons of the past in general, most of them were, no doubt, in outrageous violation of what we—thank Heaven!—call common humanity; but—and this is the sole point with which we have to do—there exists no scintilla of evidence that they were ever one whit more dreadful than their contemporaries.

To go on with the procedure. In case of conviction, punishment was administered either publicly or privately, according to the nature of the offence. If the latter were not regarded as extremely heinous, and if the culprit had confessed of his own will, he did penance and received absolution behind closed doors. The Holy See always did its utmost to bring this about, whenever circumstances would permit. In the contrary event—if, that is, the condemned were held to be so great an offender that his punishment must be known of all men—he was likely to figure at the next *auto-da-fé*.

The *auto-da-fé*! Fancy yourself in Seville,

Toledo, Valladolid, on a day set for one of these great religious solemnities. The season is late spring, summer or early autumn; the day, a Sunday or other feast of the Church. By daybreak the people are in the streets—tradesfolk and peasants from all the country round, men, women children, come in to view the spectacle and to perform their own solemn *act of faith*—their *auto-da-fé*. They are in garb of holiday—tinselled jackets, white blouses, gay sashes and knee-ribbons,—but their faces are grave. Upon them all is a tense excitement, a hush of awed expectation.

On a sudden all the bells of the city begin slowly and solemnly to toll; the great procession is setting out from the fortress of the Inquisition. On it comes, to the measured tolling of the bells. Stand back, stand back, for the royal troops! These, in full uniform, march ahead; and now—lift up the children to see, jostle your neighbor, crane your neck!—for here come the condemned. Each is attended by two black-robed “familiars” of the Holy Office; each wears a sack-like, sleeveless garment of yellow—the *san-benito*. These in plain yellow, look you, are the least dreadful criminals. But see these following, with half a crimson cross upon their breasts: their offence has been darker;

while as for these marked with a whole cross—out-and-out heretics every one! All this company, however, have repented, confessed, and are presently to be shriven. But here—a shiver passes along the gaping, crowding ranks of spectators,—here, *ah, Santa Maria!* pace the impenitent. See the two friars walking beside each one, exhorting him to repent even at this eleventh hour! See the crimson flames, the devils in scarlet-and-black, painted upon the *san-benitos* and upon the tall pointed caps carried in the prisoners' hands!—emblems, these devices, of the body's destiny in this world and of the soul's in the world to come. After this group ride the magistrates of the city, court judges, ecclesiastical orders and nobles. And now hats off, every head bend in reverence; for here in stately progress comes the standard of red damask, bearing the insignia of the Holy Office, and followed by mounted Inquisitors, lesser officials, and a train of gentry proud to act as escort.

Fall in now, everybody; fall in behind and follow to the great square before the cathedral. There at one end, in a temporary gallery emblazoned with the royal arms, sit grandees and ecclesiastics of the court, foreign ambassadors, perhaps even the king himself or others of the royal family, in

glowing, glittering array. On a raised platform hard by are ranged the Grand Inquisitor and his council in their sable robes of office. At the opposite end of the square huddle the yellow-clad company of the condemned. Mass is sung, a sermon is preached. Then the Grand Inquisitor rises and the multitude, gentle and simple, fall on their knees to perform their *auto-da-fé*. Fervently do they take the solemnly administered oath to defend the Holy Inquisition, to maintain the purity of the Faith, and to inform against any whom they shall believe to have swerved therefrom. A pause; and now, rising to their feet, they listen with bated breath while the Secretary of the Holy Office reads out the names of the prisoners, with the grounds for each conviction and sentence fixed.

Of those admitted to penitence, everyone answers to his name by coming forward, kneeling, and, with his hands on the missal, solemnly abjuring his heresy; whereupon he is received again to the bosom of Holy Church. (This does not mean that his score is cleared for this world: he has still to undergo imprisonment or other penalty for the forgiven sin.) And now all eyes turn to the knot of prisoners in the horrible, grotesque red-and-yellow garb. These have

refused to make their *auto-da-fé*. In their cases, then, the work of the Church is at end: they are, in the phrase of the Inquisition, "relaxed" to the secular arm. A dead hush falls on the assemblage as the Grand Inquisitor formally turns them over to the magistrate, and under civil guard they move away. This afternoon, it may be to-morrow or next day, they will be executed at the *quemadero* without the city wall. If at the last they recant, they will be strangled; if not, they will be burned at the stake.\* But the religious ceremony, the *auto-da-fé*, is over. The court party and the Inquisitors retire; and the populace, awed and solemn, streams out of the square.

I have chosen for example an *auto* followed by capital punishment; but many and many an *auto* had no such dire sequel; at many and many an *auto* everyone of the prisoners was absolved, while the proportion of "relaxed" in general was far smaller than certain Protestant historians give us to understand. Prescott, for instance, elects to describe an *auto* at which appeared only

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\* Burning at the stake was, to prevailing ideas in Spain and elsewhere, as shocking, and no more, than is hanging to-day; and is no more shocking to-day than, we may trust, hanging is destined to be a few centuries hence.

thirty condemned; and of these, fourteen were afterward put to death. He leaves the reader to infer that this altogether uncommon proportion was a usual one. Take a few random statistics:

Out of 3300 condemned at 5 *autos* in Toledo in 1486, 27 were "relaxed." Out of 71, at 2 *autos* in Valladolid in 1559, 26 were "relaxed;" (this is noted as an extraordinarily large proportion). Out of 52 condemned at an *auto* in Seville in 1628, one was "relaxed."

By the common law of Spain, as of Europe in general, the property of the condemned fell to the royal fisc. Widows and orphans of Inquisition prisoners, however, often got some restoration, and the Church always contended for leniency in this regard.

Here we may note explicitly what has been all along implied—the fact that connected with the Spanish Inquisition were abuses many and monstrous. In the long course of its history it had, past question, many a servant without whom the Holy Office would have been holier; past question, a thousand deeds of darkness were done in its name,—deeds which the body of its most earnest champions would have been first to condemn. But to say this is to say only what—alas for human nature!—is in sub-

stance true of every similar institution of importance that has been since the world began

One more consideration must be added,—a consideration of cardinal consequence. The Inquisition reckoned as heresy various matters which we do not think of under that name—witchcraft, sorcery, and the like: these being held to imply commerce with the devil; and withal the tribunal took account of numerous crimes elsewhere dealt with, as everywhere they are dealt with to-day, by the civil power only. Subtract from the list of those who perished by the Holy Office all the criminals of the latter class; then subtract a number proportionately equal to that of executions for witchcraft and kindred offences in other parts of Europe, in England and Scotland, during the same period, and you get a remainder amazingly remote from the number popularly conceived to be that of "Inquisition martyrs."

In summing up the whole matter of Inquisition procedure, we cannot do better than to note the words of a certain distinguished Protestant theologian, who thus neatly puts the case: "The Inquisition applied methods that we have rejected to the detection and punishment of what we have ceased to consider crimes." And those methods, those conceptions, were fully in

accord with the spirit of the age. There you have it in a nutshell.

## V.

Dipping, the other day, into a certain erudite and standard work, I came upon the following passage: "It is difficult to understand how men of capacity could have justified this iniquitous institution [the Inquisition]. Certainly it could not have been upon any principles of Christian morality or even upon those of high statesmanship." It is from Draper's "Intellectual Development of Europe" that this singularly unintellectual and undeveloped dictum is taken. Oh, what a lack of the historic insight, of the historic conscience! What blindness of mind and of heart! To speak thus is to impugn the great majority of the best and most enlightened men of Spain during the period in question.

Even so, centuries on centuries hence, when, in the slow, slow enfranchisement of the human spirit, war shall have become an obsolete barbarism utterly abhorrent to the general sense, even so, it may be, some solemn Draper shall arise to deliver himself after this fashion: "It is difficult to understand how men of capacity could have

justified the iniquitous custom of war.\* Certainly it could not have been upon any principles of Christian morality or even upon those of high statesmanship." Let us hope that if that day come, there will rise up also a champion for us,—a champion to say to the unlearned and the thoughtless: "Nay, not so. The men of that far-away time walked in darkness which to us is light. Only because their crooked has been made straight and their rough places have been made plain, do we tread securely where they strayed and stumbled. They made, as we do, many culpable as well as innocent blunders; they were—being men of like passions with ourselves—often weak, often cruel; yet by no means were they devoid of 'capacity,' of spiritual earnestness and aspiration; they went on painfully choosing amid unsatisfactory expedients, perplexedly striving to better conditions they deplored, and so helping by little and little to bring forth the freedom wherewith we are made free."

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\* That, it may be said, is not a parallel; "the custom of war" should not be compared to the institution of the Holy Office. But the present thesis is precisely that the Inquisition was only the manifestation, under particular conditions, of a spirit in its day as widespread and deep-seated as is the spirit that still sanctions war.

It is for us at any rate, to deserve a champion like that, by doing unto bygone centuries as we would that centuries coming should do unto us.



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